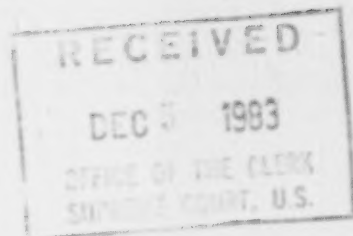


IN THE
SUPREME COURT OF THE UNITED STATES

October Term, 1983

No. 82-1998



WILLIAM P. CLARK, SECRETARY OF THE INTERIOR, ET AL.,
Petitioners,

v.

THE COMMUNITY FOR CREATIVE NON-VIOLENCE, ET AL.,
Respondents.

MOTION REGARDING REPRODUCTION OF
JOINT APPENDIX

Respondents move for leave to dispense with the filing of a joint appendix produced in its entirety by typeset or printed means, and request permission to lodge with the Court copies of a "supplemental joint appendix" reproduced by photocopying on eight and one-half by eleven inch paper, bound at the left margin. Counsel for petitioners, Alan Horowitz, has stated that petitioners have no objection to the respondents' lodging of a "supplemental joint appendix" reproduced in such form.^{1/}

1/ Respondents offered to include in such a photocopied appendix the materials from the record that petitioners had designated for inclusion in the joint appendix (consisting of approximately fifteen pages). However, petitioners decided to reproduce by typesetting the materials they had designated. Therefore, respondents' request for permission to reproduce materials for a "supplemental joint appendix" by photocopying applies only to those materials designated by respondents for inclusion in the joint appendix (consisting of approximately ninety-three pages).

The material respondents seek permission to include in the appendix and to lodge with the Court in this photocopied form is highly pertinent to the Court's understanding of the briefs and the case. Respondents and their counsel have carefully limited the amount of material designated for inclusion in the joint appendix, and have sought to avoid unnecessary designations, in keeping with Rule 30.2 of the Supreme Court Rules. Respondents and their counsel have also limited the length of this material by designating excerpts of documents, rather than entire documents, in many instances. Hence, respondents have made a diligent effort to limit the length, and the concomitant costs, of the joint appendix.

However, even with the limited number of pages designated for the joint appendix (approximately fifteen pages designated by petitioners and ninety-three pages designated by respondents), respondents will not be able to afford to pay for the costs of typesetting the appendix or reproducing it by photo offset printing, in the event that they might be ordered to do so if they do not prevail in this litigation. Respondents estimate these costs to be approximately fifteen hundred to thirty-three hundred dollars.^{2/} By comparison, respondents estimate the cost of reproducing the same amount of material by photocopying on eight and one-half by eleven inch paper to be approximately two hundred and seventy-five dollars.^{3/}

^{2/} The \$3,300 estimate is based on the costs of typesetting one hundred ten pages at a per page cost of \$30. The \$1,500 estimate is based on the costs of photo offset printing of two hundred seventy-five pages (re-typed from an eight and one-half by eleven inch page format to a six by nine inch page format) at a per page cost of \$5.45.

^{3/} The \$275 estimate is based on the costs of photocopying one hundred ten pages at a per page cost of \$2.50 per page.

Hence, respondents are requesting leave of the Court to reproduce the materials they have designated for the joint appendix by this less costly method.

Respondents' financial means are extremely limited. Respondents Clarence West, Monroe Kylandezes, Fred Randall, and Mike Scott are each indigent and homeless. As they each explained in their initial declarations (filed in the district court on September 7, 1982), they have no income, no assets, no home or other property, and are unable to afford any costs that are incurred in this litigation. As respondents Mitch Snyder, Mary Ellen Holmes, and Harold Moss, each ~~members of the~~ Community for Creative Non-Violence, explained in their initial declarations (also filed in the district court on September 7, 1982), they have no income or assets, own no property, and cannot afford costs of this litigation. Each of them spends his or her daily working hours in efforts to provide homeless people with food and shelter (at a soup kitchen, overnight shelter, and day-time drop-in center) and in advocacy on behalf of homeless people. Declarations of Mitch Snyder, Mary Ellen Holmes, and Harold Moss, filed October 7, 1982.

Respondent Community for Creative Non-Violence is an unincorporated religious association; it does not own any property, or have any assets. The CCNV-run soup kitchen, shelter, and drop-in center are staffed entirely through volunteer effort and supplied with contributions solicited from individuals who support these services for homeless persons. Hence, none of the respondents have assets or resources that would be sufficient to pay for the costs of an appendix reproduced by typeset or other printed means, if the respondents were to be ordered to pay costs. Although

respondents realize that they will not be asked to pay such costs if they prevail in this litigation, they cannot in good conscience assume a potential liability of this magnitude.^{4/}

Therefore, respondents respectfully request this Court to grant this motion, consented to by petitioners, for reproduction of the documents they have designated for the appendix, in a "supplemental joint appendix" photocopied on eight and one-half by eleven inch paper and bound at the left margin with appropriate covers. In order to furnish the Court with an illustration of the type size and format for pages in such a photocopied document, respondents have appended, as an attachment to this motion, several sample pages.^{5/}

Respectfully submitted,

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COUNSEL FOR RESPONDENTS

^{4/} Counsel of record for respondents.

^{4/} Currently, respondents are making a good faith effort to obtain contributions to pay for the costs of photocopying appendix materials and reproducing their brief.

^{5/} If the requested leave to lodge a supplemental joint appendix is granted by the Court, the document filed will resemble, in its bound form, appendices often filed in the courts of appeal, and sometimes permitted by order of this Court, pursuant to Rule 30.7.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

THE COMMUNITY FOR CREATIVE
NON-VIOLENCE, et al.,

Plaintiffs,

v.

JAMES G. WATT, Secretary of
the Department of the
Interior, et al.,

Defendants.

Civil Action No.

DECLARATION OF CLARENCE WEST

I, Clarence West, hereby declare:

1. I am a plaintiff in this suit to obtain relief from denial of First Amendment rights to speak, demonstrate and to petition the government for redress of grievances.

2. I believe that I am entitled to relief and redress from the Federal courts and therefore desire, because of my income, to file this suit in forma pauperis under the provisions of 28 U.S.C. §1915.

3. I have no income, no home or other property and no assets. I cannot afford any fees, costs or security that might be incurred in bringing this suit.

4. I have ended up in the streets a couple of times since I lost my family in 1980. When my wife, who was a diabetic, died, her mother took my daughter. She felt a single man had no business raising a daughter. The house we had lived in for ten years was sold. Although I had the first option to buy it,

I was only make \$11,000 a year and I couldn't afford it. This was a very difficult time and everything fell apart for me. I lost my job as a truck driver for Ginn's Office Supply Company and ended up out in the street.

5. After a while, I was able to get a job as a truck driver for JKL, the largest auto dealership in the metropolitan area. Every day I caught the bus to work at Farragut Square. During the winter I always saw the people in the tents on my way to work. This was a constant reminder that I had been in their shoes only a few months before.

6. On March 3, 1982, I went into the hospital with a double hernia. I was there for seventeen days. When I came out I had lost my job and was back on the street. I spent the first night in a tent at Lafayette Park. It was the first place I thought of. That was March 20th and the tents were coming down.

7. I have been getting by the best I can without a job or a place to live for the last four months. I am not the only one who has lost his job recently. I see the lines at the employment office getting longer and longer. Young people, with less experience that I've got, don't have a chance.

8. Housing is also becoming much worse. Most people are forced to double and triple up. Three families live in an apartment not big enough for one. Many can't get any place at all. I'd guess that if there were fifty thousand people on the streets last year, there must be seventy-five to a hundred thousand now.

9. I would go to the Mall or Lafayette Park this winter to be a living example of what is happening all around me. During the short time I spent in the park last March, I talked with many people, who were passing by, about what was happening there. The important part of it was that we were there twenty-four hours a day. Without that the demonstration would have had no significance.

10. Take a baseball player, for example. He has got to think baseball twenty-four hours a day. Otherwise he'll never be any good. He's got to dream about that ball. With us it's the same, but it's not by choice. We are out in the street dealing with it all twenty-four hours a day. There is no rest from it. That is what we are trying to show in Lafayette Park.

11. Now if I were at the park all day long but disappeared at night, who would know where I'd be going. For all they know I could be laying up in a hotel somewhere, with a suite all my own. Who's to say where I go at night and what I've got to struggle with? But if I am right there for everyone to see, there is no question about what I am going through.

12. I have been sleeping in these federal parks ever since I was a kid. I was born in Washington in 1926. Back in the thirties on hot summer nights the whole family used to go down and sleep in the park. It was too hot inside. We used to sleep in East Potomac Park, Lincoln Park in Northeast, Fort Dupont Park, and Meridian Hill Park. I have been sleeping in these parks ever since and have never been bothered by the

police. Why is it that when I want to do the same thing as part of a protest it suddenly becomes illegal? I guess the government doesn't want to hear what we have to say.

13. Lafayette Park has a special significance for people like me who have grown up in D.C. We call it "Freedom Park" because over the years all the protests and demonstrations for civil rights -- for our people's freedom -- have been held in that park. The only time it was different was in 1963 when Martin Luther King was here. There were so many people we had to go over to the Mall. For me, to demonstrate in Lafayette Park or the Mall would be to carry on a long tradition of my people.

Under penalty of perjury, I hereby declare the foregoing declaration to be true and correct.

Executed this 30 day of August, 1982.


CLARENCE WEST